

9-612. Order on direct criminal contempt.

[For use with Magistrate Court Rules 6-201 and 6-111 NMRA
and Municipal Court Rules 8-201 and 8-110 NMRA]

STATE OF NEW MEXICO

[COUNTY OF _____]

[CITY OF _____]

_____ COURT

v.

No. _____

&

In the Matter of the Direct Criminal Contempt of

_____, Contemnor.

ORDER ON DIRECT CRIMINAL CONTEMPT¹

This matter came before the Court on _____ (*month/day/year*).
_____ was represented by _____ (*name and title*).
_____ was present [pro se] [represented by _____, Esq.]
(*name of attorney*).

THE COURT FINDS that the contemnor, in the presence of this Court

(*State the action which constitutes direct criminal contempt.*)² The Court finds that the contemnor committed direct criminal contempt of this Court.

THE COURT HEREBY ORDERS the contemnor is sentenced to _____ days in the
_____ (*name of detention center*). _____ days are suspended. The
contemnor is placed on _____ days [supervised] [unsupervised] probation to begin on
_____ (*month/day/year*), with the following conditions:

- 1) _____
- 2) _____
- 3) _____

The contemnor shall report to the _____ (*name of detention center*)
on _____ (*month/day/year*). This sentence shall run [consecutive]
[concurrent] with _____ (*Cause No.*).

THE COURT HEREBY ORDERS the contemnor shall pay the following fines and court
costs: _____

Fines in the amounts following are hereby suspended:

Date

Judge

USE NOTE

1. See NMSA 1978, § 35-3-9 (1991) on contempt. See *City of Bernalillo v. Aragon*, 100 N.M. 547, 673 P.2d 831 (Ct. App. 1983) regarding direct contempt. See *State v. Diamond*, 94 N.M. 118, 607 P.2d 656 (Ct. App. 1980) regarding indirect contempt. See Rule 5-902 NMRA for a discussion of contempt.

2. Include a full statement of the facts, including any warnings given to contemnor.

[As adopted by Supreme Court Order No. 09-8300-037, effective November 16, 2009.]